

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

**JAN - 4 2023**

**U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRELL DONTA MCDANIEL,

Defendant.

**4:23-cr-002 SEP/PLC**

**INDICTMENT**

**COUNT 1**

The Grand Jury charges that:

Beginning at a time unknown to the Grand Jury, but including October 2022 and continuing to the date of the Indictment, in the Eastern District of Missouri, the defendant,

**TERRELL DONTA MCDANIEL,**

knowingly and intentionally combined, conspired, confederated, and agreed with persons known and unknown to the Grand Jury, to commit the following offenses against the United States: to distribute and possess with the intent to distribute fentanyl, Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 846.

**COUNT 2**

The Grand Jury further charges that:

On or about November 2, 2022, in the City of St. Louis, in the Eastern District of Missouri, the defendant,

**TERRELL DONTA MCDANIEL,**

knowingly-carried, used, and discharged a firearm during and in relation to a drug trafficking crime, that is conspiracy to distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 846, as set out more fully in Count 1 of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1), and, in the course of this violation, caused the death of Andre Nash through the use and discharge of a firearm, and the killing constituted murder, as defined in Title 18, United States Code, Section 1111, in that the defendant, with malice aforethought, unlawfully killed Andre Nash by shooting him willfully, deliberately, maliciously, and with premeditation.

All in violation of Title 18, United States Code, Sections 924(c)(1) and 924(j)(1).

### **FORFEITURE ALLEGATION**

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 21, United States Code, Sections 853(a), upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1) or 846, as set forth in Count 1, the defendant shall forfeit to the United States of America any property, constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation(s), and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation(s).

2. Subject to forfeiture is a sum of money equal to the total value of any property, constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violation(s) set forth in Count 1.

3. Pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, 924 as set forth in Count 2, the defendant shall forfeit to the United States of America any

firearm or ammunition involved in or used or intended to be used in said violation(s).

4. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

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FOREPERSON

SAYLER A. FLEMING  
United States Attorney

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Assistant United States Attorney